IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 239 of 2005

Between:

Major (Rtd) Maliki Reddy Rami Reddy S/o late M. Tulasi Reddy
R/o H. No. 1-5-782, Bhavani Nagar Colony, Old Awal Secunderabad-A.P.

..... PETITIONER

AND

1 Union of India rep by Secretary, Ministry of Defence, Government of India, New Delhi
2 Army Headquarters, rep by Director PS4, Army Head Quarters, Adjutant General, Branch Personnel Services, Directorate (AG/PS-4), A. Wing Sena Bhavan, New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or appropriate writ to set a side the orders bearing Letter No. 13415/Rc-00787/AOC/MP/22/R/2004/AG/PS 4 (D) dated 8-4-2002 as arbitrary, illegal and violative of principles of natural justice and or pass such other order or orders.

Counsel for the Petitioner: MR.C.V.R.RUDRA PRASAD

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission, made the following :

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ORAL ORDER:

This writ petition is filed challenging the proceedings, dated 8.4.2004 issued by the 2nd respondent rejecting the case of the petitioner.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The learned counsel for the petitioner has contended that against the impugned proceedings, dated 8.4.2004, the petitioner filed an appeal before the 2nd respondent on 2.9.2004, but no decision has been taken by him so far.

The learned standing counsel for the respondents has contended that since the petitioner has already availed alternative remedy of filing an appeal, this writ petition is not maintainable and the petitioner cannot be permitted to prosecute two parallel remedies in respect of the same lis.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the 2nd respondent to dispose of the appeal preferred by the petitioner on 2.9.2004 in accordance with law within eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

19th January, 2005

bcj

To

1 The Secretary, Union of India, Ministry of Defence, Government of India, New Delhi

2 The Director PS4, Army Head Quarters, Adjacent General, Branch Personnel Services, Directorate (AG/PS-4), A. Wing Sena Bhavan, New Delhi

3 Two C.D. copies